

Serial No. 11/118,313

REMARKS**I. Provisional Election of Claims Pursuant to 37 CFR §1.142**

Applicants provisionally elect Group II, including claims 10-29 and new claims 51-54 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group I is concerned, it is believed that claims 1-9 are so closely related to elected claims 10-29 and 51-54 that they should remain in the same application. The elected claims 10-29 and 51-54 are directed to a device and claims 1-9 are drawn to a terminal device. It is believed that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicant in having to protect the additional subject matter recited by the Group I claims by filing a divisional application. Further, with respect to Groups III and IV, it is believed that claims 30-49 of Group III and 50 of Group IV are so closely related to elected claims 10-29 and 51-54 that they should remain in the same application. There have been no references cited to show any necessity for requiring restriction therebetween and, in fact, it is believed that the Examiner would find references containing all of apparatus, program and recording medium claims in the same field of technology. In addition, the program of claim 30 is to be executed in the device (i.e., of claims 1 and 10), and the recording medium of claim 50 stores the program of claim 30 to be executed in the device (i.e., of claims 1 and 10).

Further, new claim 51 is generic to all of the Groups I-IV, specifically because each of Groups I-IV includes displaying of information during the standby state, which is synonymous with a power saving mode. Additionally, each of Groups I-IV includes processing corresponding to information displayed at the time of shifting from the standby state, where the shifting from the standby state may be canceling of the standby state or shifting to a normal working state.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is to be required (see MPEP §803.02, §806.04(a)-§806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is not required.

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III. Conclusion

Therefore, as new claim 51 is generic to all pending claims, it is clear that the inventions cited are not distinct and are related. It is therefore believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application. At a minimum, the non-elected claims should remain pending with reinstatement upon the allowance of a generic claim.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Feb. 24, 2006By: H. J. Staas
H. J. Staas
Registration No. 22,010

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

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I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
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STAAS & HALSEY
By: Karen J. Fostland
Date 2/24/06

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